

THE ACCESS TO INFORMATION BILL, 2023

MEMORANDUM

The objects of this Bill are to—

- (a) designate the Human Rights Commission as an oversight institution on matters relating to access to information;
- (b) provide for the right to access information and its limitations;
- (c) provide for procedures for processing requests for information;
- (d) give effect to the right to access information as guaranteed in the United Nations Convention against Corruption and the African Charter on Human and Peoples Rights; and
- (e) provide for matters connected with, or incidental to, the foregoing.

M. D. KABESHA,
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THE ACCESS TO INFORMATION BILL, 2023

ARRANGEMENT OF SECTIONS

PART I

PRELIMINARY PROVISIONS

Section

1. Short title and commencement
2. Interpretation of Act
3. General principles governing the right to access information

PART II

ADMINISTRATION ACCESS TO INFORMATION

4. Oversight of access to information
5. Functions of Commission

PART III

RIGHTS TO ACCESS INFORMATION

6. Right to access information
7. Duty to keep information
8. Publication of certain information
9. Appointment or designation of information officer
10. Request to access information
11. Transfer of request
12. Grant or refusal of request
13. Extension of time
14. Deemed refusal of request
15. Deferral of access
16. Unavailable information
17. Preservation of information
18. Forms of access
19. Language and format of access
20. Notification of third parties

PART IV

EXEMPT INFORMATION

21. General limitation on right to access information
22. Disclosure of information in public interest
23. Personal information
24. Commercial information of information holder or third party
25. Information that endangers life or safety of individuals or property
26. Information relating to law enforcement or other legal proceedings
27. Privileged information
28. Information relating to national security
29. Information relating to national economy and ongoing negotiations
30. Information prejudicial to policy formulation
31. Frivolous and vexatious request
32. Severability

PART V

GENERAL PROVISIONS

33. Appeal
34. Reports by information holder
35. Administration penalty
36. Offences
37. Immunity
38. Guidelines
39. Rules
40. Regulations
41. Savings and transition provisions

A BILL

ENTITLED

An Act to provide for the right to access information and its limitations; provide for procedures for processing requests for information; give effect to the right to access information as guaranteed in the United Nations Convention against Corruption and the African Charter on Human and Peoples Rights; and provide for matters connected with, or incidental to, the foregoing.

ENACTED by the Parliament of Zambia.

Enactment

PART I

PRELIMINARY PROVISIONS

1. This Act may be cited as the Access to Information Act, 5 2023, and shall come into operation on the date appointed by the Minister, by statutory instrument. Short title and commencement
2. (1) In this Act, unless the context otherwise requires— Interpretation
- “citizen” has the meaning assigned to the word in the Constitution; Cap.1
- 10 “Commission” means the Human Rights Commission established under the Constitution; Cap.1
- “Defence Force” means the Defence Force established under the Constitution; Cap.1
- 15 “Director” means the person appointed as Director of the Commission under the Human Rights Commission Act, 2023; Act No. of 2023

N. A. B. 24, 2023

	“information holder” means a public body or private body;	
	“information officer” means a person appointed as information officer under section 9;	
Cap. 1	“national security services” means the national security services established under the Constitution;	5
Cap. 1	“person” has the meaning assigned to the word in the Constitution;	
Act No. 3 of 2021	“personal data” has the meaning assigned to the words in the Data Protection Act, 2021;	
	“private body” means a private entity, or non state actor, that utilises public funds or is in possession of information that is of significant public interest;	10
Act No. 1 of 2018	“public body” has the meaning assigned to the words in the Public Finance Management Act, 2018;	
	“request” means a demand by a citizen or residence permit holder for access to information held by, or under the control of, an information holder;	15
	“requester” means a person making a request for information;	
Act No. 18 of 2010	“residence permit” has the meaning assigned to the words in the Immigration and Deportation Act, 2010;	20
	“residence permit holder” means a person issued with a residence permit;	
Cap. 1	“State institution” has the meaning assigned to the words in the Constitution; and	
	“third party”, in relation to a request, means a party who is neither the requester nor the information holder to which a request has been made.	25
	(2) This Act shall be interpreted and applied on the basis that an information holder has a duty to disclose information and non-disclosure is only permitted in the circumstances set out in this Act.	30
General principles governing the right to access information	3. The right to access information in the Republic is governed by the following principles:	
	(a) a person has the right to access information of information holders expeditiously and inexpensively;	
	(b) a person has the right to access information of a private body that may assist in the exercise or protection of any right expeditiously and inexpensively;	35

- (c) this Act and any other law, policy or practice creating a right to access information must be interpreted and applied on the basis of a presumption of disclosure; and
- (d) information holders must proactively publish information.

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PART II

ADMINISTRATION OF ACCESS TO INFORMATION

4. (1) The Human Rights Commission established under the Constitution is the institution responsible for providing oversight on matters relating to access to information.

Oversight of access to information
Cap.1

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(2) The Commission has the powers and privileges conferred on the Commission under the Constitution, the Human Rights Commission Act, 2023, and any other written law as are required or necessary for the performance of the Commission’s functions under this Act.

Cap. 1
Act No. of 2023

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(3) The Ministry responsible for information is responsible for monitoring and reporting to the Commission on compliance by information holders with respect to their obligations under this Act.

5. The functions of the Commission are to—

Functions of Commission

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(a) hear and determine appeals against decisions of information holders relating to access to information;

(b) advise information holders on matters relating to the coordination and management of information held by, or under the control of, the information holders;

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(c) in collaboration with the ministry responsible for information, develop, promote and conduct awareness programmes to educate the public about the right to access information;

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(d) develop and undertake training activities for information holders on the right to access information and the effective implementation of this Act;

(e) in consultation with the ministry responsible for information, make recommendations for reform of a general nature, directed at specific information holders;

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(f) make recommendations to the Minister responsible for information on matters relating to access to information;

(g) issue directives to information holders from time to time for the purpose of compliance with this Act; and

(h) perform any other functions that are conferred on the Commission by or under this Act or any other written law. 5

PART III

RIGHT TO ACCESS INFORMATION

Right to
access
information

6. (1) Subject to this Act and any other written law, a citizen or a residence permit holder has the right to access information held by, or under the control of, an information holder. 10

(2) Subject to this Act, a citizen or residence permit holder's right to access information is not affected by—

(a) a reason the citizen or residence permit holder gives for seeking access to information; or

(b) an information holder's belief as to the citizen or residence permit holder's reason for seeking access to information. 15

(3) Subject to sections 11, 12 and 13, an information holder shall provide a requester access to information expeditiously at a reasonable cost and in an accessible format.

Duty to
keep
information

7. An information holder shall keep, organise and maintain information in a manner which facilitates the right to access information, as provided in this Act. 20

Publication
of certain
information

8. (1) An information holder shall publish the following information in the *Gazette* and in a daily newspaper of wide circulation in the Republic or any other electronic media platform that the information holder may determine: 25

(a) the structure and functions of the information holder;

(b) the services the information holder offers to members of the public and the manner of accessing those services;

(c) the norms that the information holder has set for the performance of its functions, including any laws, instructions, guidelines and manuals held or used by the information holder's employees for the performance of its functions; 30

- (d) a description of the mechanism or procedure that enables a person to make a representation on, participate in, or influence the formulation of, policy or the decision making process of the information holder;
- 5 (e) the procedure followed in the decision making process, including channels of supervision and accountability;
- (f) a description of remedies available in respect of an act or omission by the information holder;
- 10 (g) detailed information on the design and execution of any subsidy program implemented with public funds including the amount allocated, criteria for accessing the subsidy and the beneficiaries;
- (h) particulars of concessions, licences, permits or authorisations granted, refused or cancelled by the information holder;
- 15 (i) the signing of a contract and details regarding that contract, including the—
- (i) public works or goods acquired or rented;
- (ii) services contracted and any sketches, scopes of service or terms of reference related to the contract;
- 20 (iii) amount of money relating to the contract;
- (iv) name of the supplier, contractor or individual to whom the contract has been awarded; and
- 25 (v) period within which the contract is to be completed;
- (j) the information holder's official contact details which include postal and physical address, phone number, email address and social media accounts of the information holder; and
- 30 (k) other information that the Commission may determine.
- (2) An information holder shall ensure that—
- (a) a person who is likely to be affected by the information holder's decision or action has access to the reasons for that decision or action;
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(b) a person who is likely to be affected by the information holder's decisions or actions relating to a proposed project, policy, scheme, programme or law is informed of the facts available and within the information holder's knowledge that the information holder has reasonable access to; 5

(c) the information concerning the information holder's operations is disclosed to the public in the interest of transparency and the promotion of democracy; and

(d) the information is disseminated to its widest extent possible, taking into consideration, local coverage area, local language and the most effective method of communication in that area. 10

(3) An information holder shall, bi-annually, update information that is subject to publication under this section in an accessible format. 15

Appointment
or
designation
of
information
officer

9. (1) An information holder shall appoint or designate at least one officer as an information officer for that information holder.

(2) An information officer shall process requests for information and render assistance to a requester. 20

(3) Where an information holder does not appoint an information officer in accordance with subsection(1), the head of that information holder shall be the information officer for the purposes of this Act.

Request to
access
information

10. (1) A requester shall make a request to an information holder in the prescribed manner and form. 25

(2) A requester who is unable to make a request in accordance with subsection (1) may make a request orally.

(3) Where a request is made orally, an information officer shall reduce the request to writing, in the prescribed form, and provide a copy of the request to the requester. 30

Transfer of
request

11. (1) An information holder may, within five days of receiving a request, transfer the request or a relevant part of the request to another information holder if the information requested is, or could be, held by that other information holder. 35

(2) Where a request is transferred under subsection (1), an information holder to which the request was made shall inform the requester, in writing, about the transfer within seven days of receiving the request.

12. (1) Subject to subsection (2), an information holder that receives a request shall, within seven days of receiving the request, make a decision whether or not to grant the request and inform the requester in writing of the decision.

Grant or
refusal of
request

5 (2) The decision referred to in subsection (1) shall, where the request is—

(a) granted, specify the—

(i) form in which access to information shall be given;
and

10 (ii) fees payable, if any, before the further processing of the request; and

(b) not granted—

(i) state the reasons for not granting access to the information;

15 (ii) contain a reference to specific provisions of this Act or any other written law on which the decision is based; and

(iii) inform the requester of the right to appeal to the Commission against the decision.

20 13. (1) Subject to subsection (2), an information holder to which a request is made may, within seven days of receiving the request, extend the time in which to respond to a request for a period not exceeding fourteen days if—

Extension of
time

25 (a) the request is for a large amount of information or requires a search through a large amount of information, and meeting the original time limit would unduly interfere with the operations of the information holder; or

(b) consultations that cannot reasonably be completed within seven days are necessary to comply with the request.

30 (2) Where an information holder extends time under subsection (1), the information holder shall inform the requester, in writing, of the reasons for extending the time within seven days of receiving the request.

35 (3) Where a requester considers the extension of time by the information holder to be dilatory, the requester may appeal to the Commission against the extension of time.

Deemed refusal of request

14. (1) An information holder is deemed to have refused a request if the information holder does not inform the requester of the information holder’s decision on the request—

(a) within the period specified in section 11(2) or 12(1); or

(b) where the period specified in section 12 (1) has been extended in accordance with section 13, within the extended period. 5

(2) A requester may, where an information holder is deemed to have refused a request, appeal to the Commission against the deemed refusal of the request. 10

Deferral of access

15. (1) An information holder shall defer the provision of access to information where the request relates to information—

(a) which is required to be published; or

(b) in respect of judicial proceedings pending before a court or tribunal. 15

(2) An information holder shall, where information is required to be published under subsection (1)(a), defer the provision of access to information until the information is published or on the expiration of a period of thirty days from the date of the request, whichever happens earlier. 20

(3) An information holder that defers access to information under subsection (1) shall inform the requester, in writing—

(a) of the deferral within seven days of receiving of the request;

(b) of the reasons for the deferral, including the provisions of this Act or any other written law relied on; 25

(c) of the likely period for which access to the information is to be deferred; and

(d) in the case of a deferral under subsection (2), of the requester’s right to make representations, within fourteen days of being informed of the deferral, to the information holder as to why the information is required before its publication or before the period of thirty days referred to under subsection (2). 30

(4) An information holder shall, where representations are made pursuant to subsection (3)(d) and the information holder is satisfied that there are reasonable grounds based on the representations for believing that the requester will suffer substantial prejudice if access to the information is deferred for the period referred to in subsection (3)(c), grant the request within five days of the representations being made. 40

16. (1) Where the information requested cannot be found or does not exist and an information holder has taken reasonable steps to find that information, the information holder shall inform the requester accordingly in the prescribed manner and form. Unavailable information
- 5 (2) Where an information holder has informed the requester that information cannot be found or does not exist and the information in question is subsequently found, the information holder shall process the request in accordance with this Act.
- 10 17. An information holder that receives a request shall take reasonable steps to preserve the information requested for until after the request is processed in accordance with this Act. Preservation of information
18. (1) An information holder may give access to information in respect of which a request is granted by— Forms of access
- 15 (a) supplying a certified copy of the document, either electronically, or in physical form;
- (b) giving the person an opportunity to copy the record, using the person's own equipment;
- (c) making arrangements for the inspection of the information, where necessary;
- 20 (d) providing a written transcript of the words stored in audio or visual form; or
- (e) any other means that are available to the information holder.
- (2) For the purposes of subsection (1), an information holder 25 shall maintain its records in a reproducible form.
- (3) A person may request an information holder to disclose certain information to that person in a particular form, unless disclosure of information in that particular form may
- 30 (a) interfere with the effective administration or operations of the information holder;
- (b) be detrimental to the preservation of the form in which the information is kept or stored or may not be appropriate, having regard to the nature of the form in which the information is kept or stored; or
- 35 (c) amount to an infringement of copyright not owned by the information holder.

(4) Where, in accordance with subsection (3), the information holder does not provide access to information in the form requested by a requester, the information holder may provide information in any other form on payment of a prescribed fee.

(5) Where a requester is unable to read, view or listen to information in the form in which the information is held due to disability, an information holder may take reasonable steps to make the information available in a form that the information is capable of being read, viewed or heard by the requester.

Language and format of access

19. A person who has been granted access to information shall, if the information requested does not exist in a language requested, be given access to the information in the language or format that the information exists. 10

Notification of third parties

20. (1) Where an information holder receives a request relating to a third party, the information holder shall within seven days of receiving the request inform the third party of the request. 15

(2) A third party who is informed of a request under subsection (1) may, within twenty one days of being informed of the request—

(a) object to the request in writing or orally; or

(b) give written consent for the disclosure of the requested information. 20

(3) Where a third party objects to the disclosure of information under subsection (2) (a), or does not respond to the notification under this section, the information holder shall, within seven days of receipt of the objection or non-receipt of a response from the third party, inform the requester that the request is not granted. 25

PART IV

EXEMPT INFORMATION

General limitation on right to access information

21. Despite section 8, an information holder shall not publish information where the information holder—

(a) is satisfied that the information or part of the information is exempted from disclosure under this Part; or 30

(b) determines, in accordance with this Act, that non-disclosure of the information is justified in the public interest. 35

22. (1) Despite any other provision of this Act, an information holder shall disclose information where the public interest in the disclosure of the information outweighs the harm to the interest protected under the relevant limitation of the right to access
5 information.

Disclosure of
information in
public interest

(2) For purposes of subsection (1), the public interest includes the exposure of—

- (a) a substantial contravention of, or failure to comply with, a written law;
- 10 (b) abuse of authority or neglect in the performance of an official duty;
- (c) injustice to an individual;
- (d) danger to the life, health or safety of an individual or the public;
- 15 (e) an imminent environmental risk; or
- (f) unauthorised use of public funds.

23. (1) Subject to subsection (2), an information holder shall not grant access to or disclose information if the disclosure of the information would involve the disclosure of confidential personal
20 data of a third party, including a deceased person.

Personal
information

(2) A request may be granted or information disclosed under subsection (1) where—

- (a) the third party consents to the disclosure;
- (b) the third party has been deceased for more than ten years;
- 25 (c) the information is already publicly available;
- (d) the information relates to the physical or mental health or well being of a person who is under the care of the requester and who is under the age of eighteen years or incapable of understanding the nature of the request, and giving access would be in the best interest of the
30 person;
- (e) the information is about a deceased person and the requester is—
 - 35 (i) the next of kin or legal representative of the deceased person;
 - (ii) making the request with the written consent of the deceased person's next of kin or legal representative;

- (iii) the executor or administrator of the estate of the deceased person; or
 - (iv) the trustee of a trust which can benefit from the estate of the deceased person;
- (f) the information relates to the position or functions of a person who is or was an officer of an information holder including—
- (i) the title, work address, work phone number and other similar particulars of the person;
 - (ii) the classification, salary scale or remuneration and responsibilities of the position held or services performed by the person; and
 - (iii) the name of the individual on a record prepared by the person in the course of employment; or
- (g) the information was given to an information holder by the person to whom it relates and the person was informed by or on behalf of the information holder, before it was given, that the information belongs to a class of information that would or might be made available to the public.

Commercial
information
of
information
holder or
third party

- 24. (1)** Subject to subsection (2), an information holder shall not grant a request if the information requested for contains—
- (a) trade secrets of the information holder or a third party;
 - (b) financial, commercial, scientific or technical information that is proprietary to the information holder or a third party, and the disclosure of which would or is likely to cause harm to the commercial or financial interests of the information holder or third party; or
 - (c) confidential information supplied by a third party the disclosure of which could reasonably be expected to—
 - (i) put that third party at a disadvantage in contractual or other negotiations; or
 - (ii) prejudice that third party in commercial competition.

(2) An information holder shall grant a request under subsection (1) if the information requested for is—

(a) already publicly available;

5 (b) about a third party who has consented in writing to the disclosure of the information to the requester;

(c) information the disclosure of which would facilitate accountability and transparency of decisions taken by the information holder other than preliminary results of any tests, research, preparations or other investigations conducted for the purpose of developing any policy;

(d) information which relates to the expenditure of public funds; or

(e) information the disclosure of which would reveal misconduct or deception.

15 **25.** (1) An information holder shall not grant a request if the disclosure of the information requested for could reasonably be expected to endanger the life or safety of an individual.

Information that endangers life or safety of individuals or property

(2) An information holder may not grant a request if the disclosure of the information requested for would, or is likely to, prejudice or impair—

(a) the security of property;

(b) the methods, systems, plans or procedures for the protection of property; or

(c) the safety of the public or a section of the public.

25 **26.** An information holder may not grant a request if the—

Information relating to law enforcement or other legal proceedings

30 (a) information requested for contains methods, techniques, procedures or guidelines for the prevention, detection, curtailment or investigation of a contravention or possible contravention of a written law or the prosecution of an alleged offender and the disclosure of those methods, techniques, procedures or guidelines could reasonably be expected to prejudice their effectiveness or lead to the circumvention of the law or facilitate the commission of an offence;

- (b) information requested for relates to the prosecution of an alleged offender that is being prepared or about to commence or pending and the disclosure of the information could reasonably be expected to impede that prosecution or result in miscarriage of justice in that prosecution; or 5
- (c) disclosure of the information requested for could reasonably be expected to—
- (i) prejudice the investigation of a contravention or possible contravention of a written law which is about to commence or is in progress or, if the investigation has been suspended or terminated, is likely to be resumed; 10
 - (ii) reveal, or enable a person to ascertain, the identity of a confidential source of information relating to the enforcement or administration of the law; 15
 - (iii) result in the interference, intimidation or coercion of a witness or a person who might be, or is, called as a witness in criminal proceedings or other proceedings to enforce the law; 20
 - (iv) facilitate the commission of an offence or other contravention of a written law; or
 - (v) prejudice or impair the fairness of a trial or the impartiality of an adjudication.

Privileged
information

27. (1) Subject to subsection (2), an information holder shall not grant a request if the information requested for is privileged under any written law. 25

(2) An information holder may grant a request if the person entitled to the privilege referred to in subsection (1) consents to the disclosure of the information or has waived the privilege. 30

Information
relating to
national
security

28. (1) An information holder shall not grant a request or disclose information if the disclosure of the information would, or is likely to, prejudice the defence or security of the Republic.

(2) Without limiting the generality of subsection (1), information referred to in that subsection includes information—

5 (a) relating to military tactics or strategy, or military exercises or operations undertaken in preparation for hostilities or in connection with the detection, prevention, suppression or curtailment of subversive or hostile activities;

(b) relating to the quantity, characteristics, capabilities, vulnerabilities or deployment of—

10 (i) weapons or any other equipment used for the detection, prevention, suppression or curtailment of subversive or hostile activities; or

15 (ii) anything being designed, developed, produced or considered for use as weapons or such other equipment;

(c) relating to the characteristics, capabilities, vulnerabilities, performance, potential, deployment or functions of—

20 (i) the Defence Force or national security services; or

(ii) a body or person responsible for the detection, prevention, suppression or curtailment of subversive or hostile activities;

(d) held for the purpose of intelligence relating to—

25 (i) the defence of the Republic;

(ii) the detection, prevention, suppression or curtailment of subversive or hostile activities; or

30 (iii) another state or an international organisation used by or on behalf of the Republic in the process of deliberation and consultation in the conduct of international affairs;

35 (e) on methods of, and scientific or technical equipment for, collecting, assessing or handling information referred to in paragraph(d);

(f) on the identity of a confidential source or any other source of information referred to in paragraph (d);

(g) relating to proceedings of the Cabinet;

(h) on the positions adopted or to be adopted by the Republic in respect of another State or an international organisation for the purpose of present or future international negotiations; or 5

(i) that constitutes diplomatic correspondence exchanged with another State or an international organisation, or official correspondence exchanged with diplomatic missions or consular posts of the Republic.

Information relating to national economy and ongoing negotiations

29. An information holder may not grant a request if the disclosure of information requested for— 10

(a) would or is likely to, materially jeopardise the national economic interests or financial welfare or the ability of the Government to manage the national economy effectively in the best interest of the Republic; or 15

(b) relates to an ongoing negotiation to which a State institution is a party.

Information prejudicial to policy formulation

30. (1) Subject to subsections (3) and (4), an information holder may not grant a request— 20

(a) if the information requested for contains an opinion, advice, report or recommendation obtained or prepared, or an account of a consultation, discussion or deliberation that has occurred—

(i) for purpose of assisting to formulate a policy; or 25

(ii) to take a decision in the exercise of a power or performance of a duty;

(b) if the disclosure of the information requested for could reasonably be expected to frustrate the consultative process by communicating an opinion or recommendation, or a process relating to the consultative process; or 30

(c) if the disclosure of the information requested for could, by premature disclosure of a policy or contemplated policy, reasonably be expected to frustrate the success of that policy. 35

(2) Subject to subsection (4), an information holder may not grant a request if—

5 (a) the disclosure of the information requested for could reasonably be expected to jeopardise the effectiveness of a testing, examining or auditing procedure or method used by the information holder;

10 (b) the information requested for contains evaluative material, whether or not the person who supplied the material is identified, and the disclosure of the material would breach an express or implied undertaking —

(i) made to the person who supplied the material; and

(ii) to the effect that the material or the identity of the person who supplied the material would be confidential; or

15 (c) the information requested for contains a preliminary, working or other draft of an officer of the information holder.

(3) An information holder may grant a request under this section if the information requested for consists of a statement of reasons required to be given in accordance with any written law.

20 31. An information holder may not grant a request if—

Frivolous and vexatious request

(a) the request is manifestly frivolous or vexatious; or

(b) the work involved in processing the request would substantially and unreasonably divert the resources of the entity.

25 32. An information holder shall, where a request relates to information contained in a record that has information which is exempted from disclosure and information which is not exempted from disclosure, remove the exempted information from the record and grant access to the remaining information.

Severability

30 PART V

GENERAL PROVISIONS

33. (1) A person who is aggrieved by a decision of an information holder under this Act may appeal to the Commission within thirty days of the information holder's decision.

Appeal

35 (2) A person dissatisfied by the decision of the Commission may, appeal to the High Court.

- Reports by
information
holder
- 34.** An information holder shall submit annually to the Commission a report on the—
- (a) measures taken to meet that information holder's disclosure obligations under section 8;
 - (b) number of requests received and granted in full or in part; 5
 - (c) number of requests granted in the public interest;
 - (d) number of requests not granted in full or in part; and
 - (e) number of cases where the periods stipulated for giving access were extended.
- Administrative
penalty
- 35.** (1) The Commission may impose an administrative penalty 10
for a failure to comply with a provision of this Act which is not an
offence.
- (2) An administrative penalty shall not exceed the amount
prescribed by the Minister responsible for information, by statutory
instrument, for each day during which the failure continues. 15
- (3) An administrative penalty shall be paid to the Commission
within the period prescribed by the Minister responsible for
information.
- (4) The Commission may, where a person fails to pay an
administrative penalty within the stipulated time under subsection 20
(3), by way of civil action in a competent court, recover the amount
for the administrative penalty from that person as an amount due
and owing to the Commission.
- Offences
- 36.** (1) A person commits an offence if that person, with the
intention of denying a right to access information under this Act— 25
- (a) destroys, damages or alters any information;
 - (b) conceals any information;
 - (c) obstructs the Commission in the performance of the
Commission's functions under this Act; or
 - (d) presents a false document or record. 30
- (2) A person convicted of an offence under subsection (1) is
liable to a fine not exceeding two hundred thousand penalty units
or to imprisonment for a term not exceeding two years, or to both.
- (3) A person commits an offence if that person discloses
information that is exempt from disclosure under Part IV. 35

(4) A person convicted of an offence under subsection (3) is liable to the penalty specified under the relevant written law.

(5) A person convicted of an offence under subsection (3) for which no penalty is prescribed under any written law is liable to a fine not exceeding five hundred thousand penalty units or to imprisonment for a term not exceeding five years, or to both.

37. An action or other proceedings shall not lie or be instituted against an information officer or information holder for, or in respect of, an act or thing done or omitted to be done in good faith in the exercise or performance of any of the powers, functions or duties conferred under this Act. Immunity

38. (1) The Commission may, in consultation with the Ministry responsible for information, in the performance of its functions under this Act, develop and issue guidelines that are necessary for the better carrying out of the provisions under this Act. Guidelines

(2) The guidelines issued under subsection (1) shall include—

- (a) the objects of this Act;
- (b) contact details of the Commission;
- (c) existing obligations of information holders under this Act, including their proactive disclosure obligations;
- (d) methods and means of making requests; and
- (e) the rights of persons under this Act and the assistance that is available from the Commission to persons.

(3) The Commission shall publish the guidelines issued under this Act in the *Gazette*, and in at least one daily newspaper of general circulation in the Republic or any other electronic media that the Commission may determine.

39. The Chief Justice may, by statutory instrument, make rules relating to— Rules

- (a) the manner and form for lodging of appeals to the Commission;
- (b) the mode of summoning before the Commission;
- (c) the form and manner of service of summons requiring the attendance of witnesses and the production of any book, record, document or other information;

- (d) the procedure to be followed and the rules of evidence to be observed in proceedings;
- (e) the notification of decisions of the Commission; and
- (f) such other matters necessary for the performance of the functions of the Commission when hearing and determining an appeal. 5
- Regulations **40.** (1) The Minister responsible for information may, by statutory instrument, make regulations for the better carrying out of the provisions of this Act.
- (2) Without limiting the generality of subsection (1), regulations made under that subsection may provide for— 10
- (a) the category of persons exempted from paying a fee under this Act;
- (b) the manner and form of making a request and the fee payable; 15
- (c) information that is subject to publication by information holders; and
- (d) the form of notices required to be issued under this Act.
- Savings and transitional provisions **41.** The Schedule applies to the savings and transitional provisions. 20

SCHEDULE
(Section 41)

SAVINGS AND TRANSITIONAL PROVISIONS

- 5 **1.** (1) An information holder shall progressively comply with the provisions under this Act within two years of the commencement of this Act. Period for compliance
- (2) The Commission shall—
- (a) set minimum standards for compliance; and
- 10 (b) on an annual basis, review minimum standards for compliance by an information holder.
- 2.** An information holder shall facilitate appropriate training for its officials on the right to access information and the effective implementation of this Act within two years of the commencement of this Act. Training of officials
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